



THE LAW OFFICES OF
JOSEPH MONACO

December 6, 2024

VIA ECF

The Honorable Rukhsanah L. Singh, U.S.M.J.
United States District Court – District of New Jersey
402 East State Street, Courtroom 7W
Trenton, New Jersey 08608

Re: Marganski v. Mogavero, et al
Docket 24-cv-01289-ZNQ-RLS

Dear Magistrate Judge Singh:

I represent the plaintiff in the above matter before the Court. This letter is respectfully submitted in opposition to defense counsel's attempt to correct the glaring deficiencies of the initial motion under the guise of a "reply" submission.

The Federal Rules of Civil Procedure and the relevant caselaw interpreting the Rules were equally available to defense counsel when the motion was filed. The fact that we addressed the obvious inadequacies of the motion in a 9 page memorandum of law is hardly a reason to allow the defense to retroactively correct the motion.

With respect to the Defense Medical Examination, as detailed in Point II of our memorandum, the defense has yet to comply with FRCP Rule 35 and cannot turn back time at this late date.

Finally, the attempt to use the filing of a Notice of Appearance (filed after the discovery deadline) by another lawyer for an insurance company – not a party to the lawsuit – as an excuse is beyond the pale. The insurance companies (Allstate and USAA) providing coverage in this matter decided on the law firm they wanted to represent the defendants at the outset of this litigation; as USAA was provided with a copy of the pleadings when the case was filed. The participation of an attorney apparently acting as "co-counsel" for the defense has no bearing on the failure of the defense to comply with the agreed upon discovery deadlines.

Respectfully,

s/ Joseph D. Monaco, III

Joseph D. Monaco, Esq.

Cc: All Parties via ECF

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